

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 6000–9000

[WO–340–1220–00–24 1A]

RIN 1004–AC87

Preservation and Conservation Health, Safety, and Enforcement

AGENCY: Bureau of Land Management, Interior.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: In response to President Clinton's Government-wide regulatory reform initiative, the Bureau of Land Management (BLM) has conducted a page-by-page review of its regulations to determine which should be eliminated, revised, or moved to internal guidelines. The purpose of this notice is to share with the public how the BLM plans to restructure Parts 6000–9000 of Title 43 CFR into a more streamlined, user-friendly framework. The notice has no regulatory text.

DATES: Comments must be received by July 5, 1996.

ADDRESSES: Send Comments to the mail address: Regulatory Management Team (420), Bureau of Land Management, 1849 C Street, NW., Room 401LS, Washington, D.C. 20240, OR the Internet address: WOCComment@WO0033wp.w.o.blm.gov [For Internet, please include "Attn: AC87", your name and return address.] You may also hand deliver comments to the BLM Regulatory Management Team, Room 401, 1620 L Street, NW., Washington, D.C.

Comments will be available for public review at the L Street address during regular business hours, from 7:45 a.m. to 4:15 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Frances Watson, Regulatory Management Team, at 202–452–5006.

SUPPLEMENTARY INFORMATION: On March 4, 1996, President Clinton issued a Memorandum to all Federal Departments and Agencies directing them to simplify their regulations. In response to this directive, the BLM reviewed its regulations using the following criteria:

- Is the regulation current?
- Can the regulation be eliminated without negative consequences?
- Is the regulation's subject matter better suited for policy statements or manual/handbook guidance?
- Can the regulation be easily understood?

This Advance Notice of Proposed Rulemaking shows how the BLM plans

to reorganize, renumber and retitle 43 CFR Parts 6000–9000; it includes no regulatory text. The text for these parts will be available in the near future when the BLM publishes proposed rulemaking in the **Federal Register** for public review and comment. Some of the proposed regulations will be revised substantively; some merely will be rewritten in a more readable format; some will be removed. We will provide detailed explanations for our actions when the proposed rulemakings are published in the **Federal Register**.

Under the Regulatory Reform effort, the BLM has revoked some unnecessary regulations in previous issues of the **Federal Register**, and will publish reinvention proposals in coming issues in a continuing effort to implement the President's plan.

For convenience, this preamble includes two charts. The first chart shows the new framework for 43 CFR Parts 6000–9000. The second is a conversion chart for these parts, which shows the existing parts and the corresponding new parts. It also indicates the parts that have been deleted and will be deleted, and lists the disposition of those parts that will be moved out of Parts 6000–9000 to other parts of Title 43 of the Code of Federal Regulations.

Framework for 43 CFR Parts 6000–9000

SUBCHAPTER F—PRESERVATION AND CONSERVATION (6000)

Part

6000 [Reserved]
 6100 Wildlife Management
 6200 Wild Free-Roaming Horses & Burros
 6300 Wilderness and Primitive Areas
 6400 Wild and Scenic Rivers
 6500 Areas of Critical Environmental Concern

6600 Paleontological Resources

SUBCHAPTER G—HEALTH, SAFETY, AND ENFORCEMENT (7000)

7100 Trespass
 7200 Law Enforcement, Criminal

SUBCHAPTERS H–I [RESERVED]

7300–9000 [Reserved]

CONVERSION TABLE FOR 43 CFR PARTS 6000–9000

Existing parts	New parts	Comments
6000	6100	
4700, 4710, 4720, 4730, 4740, 4750, 4760, 4770.2, 4770.3.	6200	

CONVERSION TABLE FOR 43 CFR PARTS 6000–9000—Continued

Existing parts	New parts	Comments
8500, 8560.0 (All sections), 8560.1, 8560.1–1, 8560.2, 8560.3, 8560.4 (All sections), 8560.5(b).	6300	
8350, 8351	6400	
1610.7–2	6500	
3622, 8224, 8365.1–5(b).	6600	
9230	7100	
4770.1, 4770.4, 4770.5, 8340.0–7, 8341.1, 8343, 8343.1, 8560.1–2, 8560.5(a), 9000, 9239, 9260, 9261, 9262, 9263, 9264, 9265, 9266, 9267, 9268, 9269.	7200	
6220		Removed 11/30/95, 60 FR 61487.
8000		Removed 04/09/96, 61 FR 15753.
8100		To be removed.
8200, 8223		To be removed.
8300		Removed 04/09/96, 61 FR 15753.
8342.3		Moved to new Part 1500.
8340.0–1, 8340.0–2, 8340.0–3, 8340.0–5, 8340.0–8, 8341.2, 8342.1, 8342.2.		Moved to Part 1600.
8344		Moved to Part 2920.
8360.0 (All sections), 8361, 8362, 8363, 8364, 8365.0, 8365.1, 8365.1–1, 8365.1–2, 8365.1–3, 8365.1–4, 8365.1–5(a), 8365.1–6, 8365.1–7, 8365.2 (All sections).		To be removed.
8370, 8371		Moved to Part 2920.
8372		

CONVERSION TABLE FOR 43 CFR
PARTS 6000-9000—Continued

Existing parts	New parts	Comments
8400	Removed 04/09/96, 61 FR 15722.
8600	To be removed.
9100, 9180, 9183, 9185.	Moved to Part 2000.
9210	To be removed.

Dated: May 24, 1996.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 96-14095 Filed 6-4-96; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[FHWA Docket No. MC-96-4]

Proposed Research Plan on Vision
Standard

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice; request for comments.

SUMMARY: The FHWA is requesting comments on a proposed research plan to explore performance-based alternatives to the existing vision standard for drivers of commercial motor vehicles (CMV). The findings of this research effort may result in the modification of that standard. The FHWA seeks comments on all aspects of the research plan, including its scientific merit, likelihood of achieving its objective, methodological validity, consideration of all relevant research, and other practical issues.

The FHWA is also announcing a public hearing to obtain comments on the proposed research plan. The hearing is designed to obtain public input on the proposed research plan, not to determine the status of individual drivers or participants in the vision waiver program. At the hearing, the FHWA does not intend to discuss the status, results, or recommendations that might result from the vision waiver program.

A review of scientific literature relevant to the vision standard and the proposed research plan have been placed in FHWA Docket MC-96-4. In addition, both documents are accessible electronically through the Federal Highway Administration's World Wide Web (WWW) site.

DATES: The comment period will remain open until further notification in the **Federal Register**. The public hearing will be held on August 9, 1996, at the Chicago O'Hare Marriot, 8535 West Higgins Road, Chicago, IL, 60631, (312) 693-4444.

ADDRESSES: Submit written, signed comments to FHWA Docket MC-96-4, Room 4232, HCC-10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street., SW., Washington, DC 20590.

The literature review and proposed research plan are on the Federal Highway Administration's World Wide Web site (<http://ctil.volpe.dot.gov/ohim/whtnewhd>). Users with questions about the operation of the WWW site should call the FHWA Computer Help Desk at (202) 366-1120.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Rombro, Federal Highway Administration, Office of Motor Carriers, 400 Seventh Street SW., room 3104, Washington, DC 20590, telephone (202) 366-5615. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: The FHWA is authorized by statute to establish minimum physical qualification requirements for drivers of commercial motor vehicles. 49 USC 31502.

The Congress provided the FHWA with complementary regulatory authority with the enactment of the Motor Carrier Safety Act of 1984, codified in substantial part at 49 U.S.C. 31101-31162. This Act directed the Secretary to establish minimum safety standards to ensure, *inter alia*, that "the physical condition of operators of commercial motor vehicles is adequate to enable them to operate such vehicles safely * * *." 49 U.S.C. 31136(a)(3).

The physical qualification regulations for CMV drivers in interstate commerce are found at 49 CFR 391.41. The qualification standards cover 13 areas which directly relate to the driving function. All but four of the standards adopted by the FHWA permit the individual determination of a driver's qualification. A person's qualification to drive is determined by a medical examiner who is knowledgeable about the on-the-job functions performed by a commercial driver and whether a particular condition would interfere with the driver's ability to operate a CMV safely. In the case of vision, hearing, insulin-using diabetes and epilepsy, the current standards are absolute, providing no discretion to the medical examiner.

The current vision standard specifies that drivers must meet the following three conditions:

1. distant visual acuity in each eye of at least 20/40, and distant binocular acuity of at least 20/40 in both eyes; and
2. field of vision of at least 70 degrees in the horizontal meridian of each eye; and
3. the ability to recognize the colors of traffic signals.

In order to improve protection for the public and provide for individual determinations of fitness to drive wherever possible, the Agency is interested in developing performance-based standards. In a **Federal Register** notice on the vision waiver program published on November 17, 1994 (59 FR 59386), the FHWA announced its intention to initiate a research plan to "develop parameters for performance-based visual standards for all commercial drivers." 59 FR at 59389. The research plan outlined in this notice is designed to move the Agency towards a performance-based vision standard. This standard would incorporate the measurement of those visual capabilities deemed necessary for the safe operation of commercial vehicles. The research discussed below is designed to relate specific visual functions to specific driving tasks, such as the ability to stay in a lane. The standards would still be prescriptive in that they would establish a minimum score which individuals would be required to meet to be allowed to drive; however, the scoring scheme would be based on detailed research on the visual attributes required to safely operate a CMV.

Research Plan

The FHWA has developed a proposed research plan, an outline of which is provided below.

Background

The FHWA's review of the existing literature on vision and driving research led the FHWA to the following conclusions:

1. The current testing standard lacks criterion, or predictive, validity; that is, it is not clear that central visual acuity by itself is a good predictor of safe driving. This detracts from the perceived fairness of the standard. The principal shortcoming of the current standard is the emphasis on central visual acuity, which is a measure of how well an individual can discern static images in the center of vision under conditions of high luminance. Since many driving situations involve dynamic images under low luminance, other visual capacities may be equally